

# **APPENDIX E**

## **SCORP WETLANDS PRIORITY CONSERVATION PLAN UPDATE**

### **INTRODUCTION**

The *1989 Wetlands Priority Conservation Plan*, prepared by the Office of State Planning (OSP), will continue to serve as the State's plan for policy decisions relating to the management of the state's wetlands. The first update of this plan occurred in 1994, with the *1994 SCORP Wetlands Priority Conservation Plan Update*. This document serves as the second such update. The *2003 SCORP Wetlands Priority Conservation Plan Update* provides updated information about the state's inventory of wetlands; presents an overview of wetland protection programs; outlines major accomplishments since the last update completed in 1994; and sets forth the state's wetlands conservation strategies for the next five years.

### **EXTENT OF WETLANDS**

In 2002, Complex Systems Research Center at the University of New Hampshire completed the New Hampshire Land Cover Assessment to identify statewide land cover and land use. The classification system is based on Landsat Thematic Mapper (TM) satellite imagery and supplemented by several other digital sources as well as field data collection. The assessment developed seven broad classes and 23 specific classes. Based on field checks to determine accuracy, the seven classes had an overall 95.6 percent accuracy level. The 23 classes had an 82.2 percent accuracy level. According to the seven broad classes, 181,710 acres, or 3.1 percent of the total state land area, is comprised of wetlands. This compares to 4.4 percent of state acreage that is classified as open water, 4.4 percent classified as developed, 77.6 percent classified as forest, among others. The classification for wetlands is estimated to have a 95 percent accuracy level.

### **WETLAND PROTECTION PROGRAMS**

#### **Federal**

Most wetlands in New Hampshire are protected by federal law under Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act amending the Federal Water Pollution Control Act of 1972. Permitting is regulated by the US Army Corps of Engineers with oversight by the US Environmental Protection Agency (EPA).

#### **Federal Acquisition Programs**

- Federal Migratory Bird Conservation Fund
- US Fish and Wildlife Service Federal Aid; Pittman-Robertson and Dingell-Johnson Funds.
- Land and Water Conservation Funds (LWCF)
- North American Wetlands Conservation Fund

### Other Federal Programs and Policies

- Executive Order 11990, Protection of Wetlands, 1977
- Executive Order 11988, Flood Plain Management, 1977
- Fish and Wildlife Coordination Act
- Endangered Species Act of 1972
- National Environmental Policy Act (NEPA) of 1972
- Coastal Zone Management Act of 1972
- National Wetlands Inventory

### State

In New Hampshire, the principal statute for protecting wetlands is RSA 482-A. New Hampshire's wetlands law is administered through the Department of Environmental Services Wetlands Bureau with oversight by the Wetlands Council (as established in RSA 21-O:5-a.). The Wetland Bureau's stated mission is "to protect, maintain and enhance the environmental quality in New Hampshire through the powers set forth in RSA 482-A to regulate impacts to those areas 'wherever the tide ebbs and flows' or 'freshwater flows or stands'."

### Local

New Hampshire State law provides a number of options to municipalities for protecting wetlands. The following outlines some of those techniques. A more detailed explanation of these techniques is included in the *1989 Wetlands Priority Conservation Plan* and the *Municipal Guide to Wetland Protection*.

- Preparation of natural resource inventories include a wetlands inventory.
- Master Plan (RSA 675:6)
- Designation of Prime Wetlands (RSA 482:a-150)
- Drafting of Local Wetland Regulations
  - Zoning (RSA 674:16-21)
  - Cluster or open space development (RSA 674:16-21)
  - Subdivision (RSA 674:35,36)
  - Site plan review (RSA 674:43,44)
- Land Acquisition

Communities can fund acquisition in several ways, including but not limited to open space bonds and designating a portion or all of the local land use change tax to a conservation fund. Communities are also partnering with national, state, regional and community-based land trusts to acquire key conservation lands. Acquisition tools include fee simple, conservation easements, right of first refusal, donations, and bargain sales.

## MAJOR ACCOMPLISHMENTS

Since the 1994 SCORP update of the *Wetlands Priority Conservation Plan*, significant progress has been made in wetlands protection as discussed below:

- Designation by the US Fish and Wildlife Service of the Silvio O Conte National Wildlife Refuge in the Connecticut River valley across four New England States, including New Hampshire. As part of the planning effort, roughly 180,000 acres of “special focus areas”, targets for conservation, were identified. The “special focus areas” identified in New Hampshire consist of 1,155 acres of non-forested wetlands and over 5,800 acres of uplands.
- The US Fish and Wildlife Service has acquired over 16,000 acres of land as part of Lake Umbagog National Wildlife Refuge.
- The New Hampshire Fish and Game Department acquired 1,261 additional acres of habitat for waterfowl through its Waterfowl Conservation (Duck Stamp) Program.
- The [Great Bay National Estuarine Research Reserve](#), managed by the New Hampshire Fish and Game Department, encompasses over 10,000 acres of tidal waters. Efforts continue to promote informed management through linked programs of stewardship, public education, and scientific understanding.
- The Great Bay Resource Protection Partnership (GBRRP) was formed in 1994 to identify and protect significant habitat areas in the Great Bay region. This successful partnership is comprised of statewide, regional, and local non-profit conservation organizations, municipalities, and state and federal agencies. Over the last several years, the GBRRP has produced a Habitat Protection Plan identifying over 14,000 acres of important habitat, organized into 25 Significant Habitat Areas. These Significant Habitat Areas range from 400 to 10,000 acres in size. As of January 2002 this partnership has protected over 3,400 acres through fee purchase, easements, and donations.
- The General Court passed a bill, effective January 1, 2000, establishing a dedicated fund for fisheries habitat protection, restoration, and enhancement. This fund is supported by a \$1 fee from each fishing license sold and managed by the NH Fish and Game Department. The funds can be used for efforts involving riparian land protection, stream bank stabilization, removing barriers in streams, habitat assessment, in-stream habitat work, etc. For example, funds were recently used to purchase a conservation easement on a parcel of land along the Mad River in Farmington resulting in the protection of approximately 1,000 feet of riparian habitat.
- The McGoldrick Dam and the Winchester Dam on the Ashuelot River in southwest New Hampshire were removed in order to restore riverine habitat and migratory fish populations. These are the first dams to be removed specifically for riverine ecosystem

restoration.

- In 1994 the Natural Resources Conservation Service identified 31 tidal restrictions on New Hampshire's Seacoast. Since then, New Hampshire Coastal Program and its partners have eliminated 16 restrictions, restoring over 450 acres of salt marsh. Of those 15 that remain, 5 have plans to be removed, 3 are considered possible, but difficult projects, and 7 are estimated to be permanent.
- The New Hampshire Coastal Program is partnering with other agencies and organizations to reverse degradation caused by salt marsh ditching. To date, 16 projects have restored about 118 acres of marsh. The goal is to improve hydrological functions on the high marsh surface via ditch plugging and pond creation. Restoration will improve habitat for a variety of birds, fish, and shellfish, and will increase the presence of mummichogs (mosquito-eating fish) to naturally manage mosquito populations and eliminate the need to use larvicides on a consistent basis.
- The New Hampshire Estuaries Project, through the Office of State Planning, was dedicated and inducted into EPA's National Estuaries Program in 2001. The New Hampshire Estuaries Project completed its comprehensive management plan in 2000 and now focuses efforts on plan implementation.
- The Office of State Planning and University of New Hampshire Complex Systems Research Center completed wetlands mapping through the New Hampshire GRANIT drawing from National Wetlands Inventory (NWI), LANDSAT Thematic Mapper (TM) satellite data, and Natural Resource Conservation Service soil data. At present, LANDSAT data is available for the entire state; NWI maps have been computerized for the entire state; and soils data (in a computerized form) is available for 8 of 10 counties in the state (all but Belknap and Merrimack counties).
- Complex Systems Research Center at the University of New Hampshire also completed the New Hampshire Land Cover Assessment to identify statewide land cover and land use. The 2002 assessment includes one broad classification of wetlands, as well as three targeted wetland classes (forested wetland, open wetland, tidal wetland).
- The Audubon Society of New Hampshire and the Office of State Planning published *Buffers for Wetlands and Surface Waters, A Guidebook for New Hampshire Municipalities*. The publication provides guidance about ways to protect wetlands and surface water buffers through zoning, acquisition and educational means, and provides a scientific basis about the importance of naturally vegetated buffers. This guide is available through the Office of State Planning.
- The Office of State Planning published *Data Requirements for Site Review: Guidance for Planning Boards*. This report presents guidelines for required soil and wetland related

information needed for subdivision or site plan review applications. This guide is available through the Office of State Planning.

- The Audubon Society of New Hampshire published *The Method for the Comparative Evaluation of Nontidal Wetlands* to assist communities in evaluating and making rational decisions about their wetland resources. Known as the NH Method, this evaluation technique provides municipalities with a practical means of determining a wetlands functional value. This guide is available through the Department of Environmental Services.
- The New Hampshire Fish and Game Department published *Identification and Documentation of Vernal Pools in New Hampshire* to provide guidelines for locating vernal pools and identifying vernal pool species. This document is available through the New Hampshire Fish and Game Department.
- The New Hampshire Fish and Game Department published *Identifying and Protecting New Hampshire's Significant Wildlife Habitat: A Guide for Towns and Conservation Groups*. This document is available through the New Hampshire Fish and Game Department.
- The Joint Board of Licensure and Certification maintains a list of Certified Wetland Scientists across New Hampshire.

## **STRATEGIES FOR CONTINUED WETLANDS CONSERVATION**

The State of New Hampshire is committed to aggressive actions in the conservation of the state's wetlands. During the next five-year period, the following strategies will be employed.

- Develop management plans for State fee-owned conservation properties.
- Continue to support the work of the US Fish and Wildlife Service in assessing lands for inclusion in the National Wildlife Refuge System.
- Continue to acquire and enhance wetlands habitat through partnerships with a variety of statewide non-profit organizations.
- Seek aggressive enforcement of federal, state and local wetlands protection laws and regulations.
- Intensify cooperative efforts among private interests and local, state, and federal governments for the management and conservation of wetlands.
- Continue habitat protection activities through coordination with agencies, corporations,

and individuals that affect wetland habitat to minimize habitat damage and strive to obtain mitigation for habitat losses.

- Support efforts to prepare a comprehensive statewide open space and conservation plan that identifies critical wetlands and habitat for state and local acquisition.
- Develop a model wetlands ordinance for communities through the Office of State Planning.
- Continue efforts to meet the goals and objectives of the North American Waterfowl Management Plan. Within the Atlantic Coast Joint Venture for the Atlantic Flyway, continue to support waterfowl habitat conservation in the Great Bay, Lake Umbagog and Connecticut River Focus Areas.

#### **Compliance with Section 303 of the Emergency Wetlands Resources Act of 1986**

- The SCORP is consistent with the National Wetlands Priority Conservation Plan, prepared by the US Fish and Wildlife Service.
- The SCORP is being coordinated with the NH Fish and Game Department and the US Fish and Wildlife Service.
- The State of New Hampshire will continue to make the acquisition of wetlands for fish and wildlife habitat a priority as stated in the 1989 *New Hampshire Wetlands Priority Conservation Plan*. In consultation with the NH Fish and Game Department, it has been determined that important waterfowl management areas, especially those which are leased, will receive priority for wetland acquisition.